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ABSTRACT

This paper presents a summary of New York State Education Laws and Commissioner's Regulations which apply to nonpublic and public preschool programs. After a brief introduction and definition of terms, constraints and freedoms of nonpublic preschools are discussed in terms of Education Laws 3210 and 3228, Commissioner's Regulations-Part 125, Education Law 207, the Child Care Resource and Referral Program, and options for the private preschool. Subsequently the requirements of the New York State Social Services Law 390 are discussed, along with insurance availability problems and solutions. Public preschool programs are discussed in terms of Education Law 2514, the New York State Prekindergarten Experimental Program, and Commissioner's Regulations-Part 148.1. The concluding section lists recommendations for future legislation proposed by the National Association for the Education of Young Children. (RH)

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THE REGULATION OF NURSERY SCHOOLS in NEW YORK STATE

by

Marilyn Morton

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THE REGULATION OF NURSERY SCHOOLS
in NEW YORK STATE

ABSTRACT

This paper presents a summary of New York State Education Laws and Commissioner's Regulations that apply to pre-school programs, along with a brief description of the court cases and decisions that affect them.

Separate sections deal with New York State Social Services Law 390, New York State Public Preschool Programs, insurance availability problems and solutions for pre-schools and recommendations for future legislation proposed by the National Association for the Education of Young Children.

INTRODUCTION

In New York State, nearly every aspect of life in elementary and secondary schools from choice of textbooks to methods of discipline is regulated by some arm of the State Education Department.

As students of nursery schools are virtually always under the age of 6, they are not yet candidates for compulsory education. Consequently, the rules and regulations that govern the schools they attend involve various government agencies and seem either myriad or non-existent, depending on the perspective.

I will try to present the regulations that apply to nursery schools, along with the freedoms that these schools enjoy and the ensuing problems of these institutions of early learning.

DEFINITIONS

Although pre-school is usually thought of as any school serving children who have not yet entered the elementary grades, for purposes of regulation, they are placed into categories by virtue of their different characteristics.

Following are the basic categories of pre-schools, along with the regulating agencies, for schools outside New York City:

1.) Public nursery school- Local Board of Education (Ed. Law 2514)

2.) New York State Pre-K Experimental Program- State Education Department

3.) Church affiliated pre-school- No regulation (Is considered part of church.)

4.) Day Care Program- New York State Department of Social Services (Social Services Law 390)

5.) Day School- New York State Social Services Department and State Education Department

6.) Non-Public Pre-School (where children attend less than 3 hours per day)

In categories 1 - 4, the rules and regulations are fairly clear-cut, requiring the owner/director to look to a single source for guidelines and supervision. It is the non-public, non-sectarian pre-school that poses the most confusing, i.e., the widest array of laws and interpretations.

NON-PUBLIC PRE-SCHOOLS

Laws & Cases

The statute that provides the legal basis specifically for pre-schools is found in Article 65 of Education Law- "Compulsory Education and School Census" and is a subdivision of section 3210 (of the same article)- "Amount and Character of Required Attendance." No section of Education Law pertains soley to pre-schools; they are always mentioned in conjunction with other levels, as in 3210, "...a nursery school and or Kindergarten and or elementary school."

Following are laws regarding non-public pre-schools:

Education Law 3210

Education Law 3228

Commissioners Regulations- Part 125

Education Law 207

Social Services Law 390

"Child Care Resource and Referral Program",(an amendment to the Social Services Law- Article 6)

I will explain each section separately and give court decisions that modified them.

3210-2(e)states: "No person or persons, firm or corporation, other than the public school authorities or an established religious group, shall establish or maintain a nursery school and or Kindergarten and or elementary school...unless the school is registered under regulations of the commissioner..."

3228 states that "A violation thereof is punishable criminally, by fine or imprisonment."

The mandatory registration was successfully challenged in 1948 in Packer Collegiate Institute v. University of State of New York et al.

Packer Collegiate Institite had for many years conducted a private non-sectarian school for girls, consisting of a pre-school, kindergarten, elementary and secondary school and a two year college. The Institute claimed that by virtue of its character and standing, it would be entitled to a license if it applied for one. However, it said that the statute was invalid and refused to apply for the license.

The Court of Appeals decided for the Institute. Judge Desmond, in the majority opinion made the following points:

1.) "The statute before us is nothing less than an attempt to empower an administrative officer, the State Commissioner of Education, to register and license, or refuse to register and license, private schools, under regulations to be adopted by him, with no standards or limitations of any sort."

2.) "...the statute's validity must be judged not by what has been done under it but 'by what is possible under it.'(see People v. Klinck Packing Co.)"

3.) He cites Pierce v. Society of Sisters: "Private schools have a constitutional right to exist, and parents have a constitutional right to send their children to such schools."

4.) Again citing Pierce: "The Legislature, under the police

power, has a limited right to regulate such schools in the public interest."

The statute was declared void as contravening section 1 of Article III of the New York State Constitution.

In a separate concurring decision, Judge Fuld states:

> "However, I go further: I believe that the provision also offends against both Federal and State Constitutions in that it denies to the plaintiff and to other nonsectarian schools the equal protection of the laws. US Const, 14th Amend.; NY Const. art. I, section 11."

Another case involving the registration of preschools is The People of the State of New York v. Mrs. Sol Collins (County Court, Westchester Co., March 12, 1948). Although the case was not an attack on mandatory registration per se, the court ruled that even though a school is not registered with the State Education Department, it can still be defined as a "school."

Mrs. Collins, each workday morning, cared for 14 children of preschool age in her home. She had a specially equipped room in her home and special play equipment in her yard. Her property was located in a residential zone of Port Chester which allowed schools. She had been convicted (in Police Court) of violating the zoning ordinance since she was not registered as a school with the SED and was operating a business. On appeal, the conviction was reversed.

In his decision, Judge Gallagher quoted Webster's definition of a school, emphasized the value of preschool and briefly explained how it must be preliminary to and entirely different from "common school." He stated:

> 1.) "To limit the existence of such schools to the definition given in the Education Law would mean that such schooling would be available only to children of parents in the higher income brackets and live in a larger center of

population."

2.) "...the defendant may be guilty of violating a provision of the Education Law without being guilty of violating the zoning ordinance and that there is not necessarily any relationship between the Education Law definition of a school and the zoning ordinance definition."

Note: There is now legislation (enacted and signed into law August, 1986) effective January 1987, which states that "Group Family Day Care Homes" (where groups of children are cared for in private residences) are to classified as "homes" for zoning purposes throughout New York State.

Commissioner's Regulations- Part 125
"Voluntary Registration of Nonpublic Nursery Schools and Kindergartens"

These regulations apply to all schools which can be defined as follows: "...a nonpublic nursery school or kindergarten organized for the purpose of educating a group or groups of six or more children less than seven years of age, under the supervision of qualified teachers, providing an adequate program of learning activities and maintaining good standards of health and safety."

The regulations are both extensive and comprehensive, detailing the building and facilities, fire and safety regulations, educational equipment, health of students and staff, staff educational requirements, teacher-pupil ratios, curriculum details, admission to

kindergarten, and required reports.

Statutory authority for these regulations is found in Education Law 207.

In Jokinen v. Allen (1958), an action was brought before the Supreme Court of Nassau County to declare these regulations unconstitutional, null and void. Although the regulations were voluntary, the plaintiffs claimed they were still discriminatory.

The essential parts of the complaint are:

1.) The registration program was designed and adopted to influence the public not to deal with unregistered schools.

2.) The regulations governing entrance to first grade discriminate against children from unregistered kindergartens.

3.) The regulations are unconstitutional in that they deny the plaintiffs the equal protection of the laws of NY State, they are discriminatory, they are unlawful delegation of legislative power, and they violate the 14th Amendment of the US Constitution.

4.) The regulations injure the reputation and standing of unregistered schools.

The courts found that section 207 of Education Law provides sufficient authority for the Commissioner to set regulations. Since the program is purely voluntary, it makes no demands on the plaintiffs to conform and therefore, they are not denied equal protection of law. "They are afforded the same rights as others of their class. Certification is not being thrust on them nor wrongfully withheld."

On only one point did the court find for the plaintiff, the rest

of the complaint was dismissed:

> "Accordingly, summary judgement is granted in favor of the plaintiffs to the extent that the direction of the defendant Commissioner of Education which gives a preference to children from registered private kindergartens in admission to first grade of a public school is adjudged to be discriminatory, improper and a violation of the constitutional rights of others. Summary judgment is granted to the defendants dismissing every other portion of the complaint."

Although the plaintiffs did not question the constitutionality of section 207, the majority opinion seems to do so and to gently chide the plaintiffs for overlooking the point:

> "Section 207 of the Education Law confers upon the defendant Board of Regents the power to '...exercise legislative functions concerning the educational system of the state, determine its educational policies, and, except, as to the judicial functions of the commissioner of education, establish rules for carrying into effect the laws and policies of the state, relating to education, and the functions, powers, duties and trusts conferred or charged upon the university and the education department.'
>
> ...The statute is not directly attacked in the complaint on any ground, and for the purposes of this motion must be regarded as valid and proper. The Court must presume it so in the absence of clear and convincing proof to the contrary, and may not pass upon its constitutionality when the issue has not been raised by the pleadings."

One other case helped define Section 207 as it relates to schools- Etter v. Littwitz (1966).

Doyle Etter and other parents of children in the West Irondequoit School District were protesting a portion of the School Board's policy "Educational Enrichment in Inter-Cultural Relations." This plan allowed this school district and the City of Rochester to transfer pupils from the city district to the suburban school district on a voluntary and limited basis in order to achieve more racial balance.

Although this case deals primarily with integration, there are some implications for pre-schools in its interpretation of the powers of the commissioner under section 207:

1.) "By this section [Education Law, 207], the Legislature has endowed the Board of Regents and the Commissioner of Education with the right to formulate public policy and to make administrative decisions in the field of education; and our highest courts have said that, because of this, the courts are devoid of power to evaluate the sociological, psychological and educational assumptions relied upon by the Commissioner."

2.) "Courts are not permitted to substitute some other judgment for the judgment adopted by the Boards of Education."

3.) "The foregoing principles have been declared by the boards under the authority of legislative enactments; and any change of policy or philosophy of education can, therefore, be accomplished only by the Legislature."

Education Law section 807 requiring fire inspections and fire drills in all schools specifically mentions private pre-schools in paragraph 10 (a):

"Any nursery school or kindergarten attended by six or more pupils three years of age or older which may apply for registration by the New York state education department pursuant to part one hundred twenty-five of title eight of the official compilation of codes, rules and regulations of the state of New York; provided, however, that this section shall not apply to day care facilities possessing a valid permit as required by section three hundred ninety of the social welfare law."

Child Care Resource & Referral Program

An additional incentive to register any child care program has been provided by the "Child Care Resource and Referral Program." It was passed by the legislature and signed by Gov. Cuomo last year (Chapter 888 of 1986), amending Article 6 of the Social Services Law (Title 5-B).

This program authorizes the compilation of a list of all registered child care programs, including private pre-schools.

When it is fully implemented, parents looking for any type of child care will be able to obtain the listing from agencies situated

throughout the state. There is no provision in this legislation to make registration mandatory, but to be referred by this agency, a center must be registered with an existing state agency.

OPTIONS FOR THE PRIVATE PRE-SCHOOL

According to Tom Hogan of the State Education Department (Nursery Schools), the only way the SED becomes involved with the operation of a private pre-school is through the voluntary registration program. The only reasons that pre-schools participate in the program are status and availability of liability insurance.

If a school elects not to register, the owner is responsible only for meeting local fire and building/zoning codes.

Another option for owners is incorporation, which offers some tax and legal advantages. Education Law provides the legal framework for the business "Charter" which can be issued under the Business Incorporation Law (for profit school) or the Not for Profit Corporation Law. If the title of the business includes the word "school," the approval of the SED is required before a charter can be issued.

DEPARTMENT OF SOCIAL SERVICES

Social Services Law 390 "Day Care for Children" states that owners must have a social services license if they operate for more than three hours per day and serve three or more children.

Conflict between Social Services law and State Education Department regulations is illustrated by this New York City case, Metropolitan Association of Private Day Schools, Inc., et al. v. Leona Baumgartner et al., Constituting the Board of Health of the City of New York (1963).

The plaintiffs wanted part of a New York City Health Code entitled "Day Care Services" declared unconstitutional, claiming that it tried to regulate areas already regulated and declared voluntary by the SED. They also claimed that the Health Code imposed new financial burdens on schools already established.

The new code required nursery schools to: 1.) produce proof of financial security; 2.) fix the minimum entry age at 2 years; 3.) increase the amount of square footage of floor space per child; 4.) upgrade the qualifications required for teachers and staff.

The plaintiffs cited the SED's "Voluntary Registration of Nonpublic Nursery Schools and Kindergartens" and another New York City case, Matter of Kress Co. v. the Department of Health: "The state having covered the whole field, the city may not make regulations of its own, inconsistent with the laws of the state."

The court found for the defendants. In his decision, Judge Brown states:

1.) "...we find that the regulations issued by the State

Department of Education, and as the title signifies, establish a voluntary procedure to be adopted by nonpublic nursery schools and kindergartens, if they desire a registration certificate. They do not prevent or bar any individual or association from maintaining a nursery and kindergarten school where they do not wish to comply with the restrictions therein contained. Under the circumstances the operators of such schools not being under compulsion to operate their schools with the high standards prescribed by the State regulations could maintain them with a minimum and the barest of health standards and qualifications of its teaching staff unless a municipality or local government stepped into the breach.

The Health Code as enacted accordingly does not conflict, encroach upon or abrogate the regulations of the State Board of Education, but rather runs parallel and leads to an enforcement of them."

2.) "It is axiomatic that a statute or ordinance enacted to promote public health and welfare is valid under the police powers of the State or local government even though in some respects it may interfere with individual freedom, unless it is wholly arbitrary and unreasonable. Individual freedom under such circumstances must yield to the public good..., and the mere fact that the enactment of a statute results in reducing income and inflicts other pecuniary injury does not establish a denial of constitutional due process or equal protection under the law."

INSURANCE

Availability and affordability of liability insurance for nonpublic preschools is a major problem for owners today. The New York State Commission on Child Care, in its report entitled "Hard Questions/Straight Answers," explains:

> "Child care programs have faced unwarranted increases in liability rates, and policy cancellations which are clearly unrelated to claims history. According to the NYS Insurance Department, the loss ratio for child care in the State in 1983, the most recent year for which data are available, was 25%. In contrast, the loss ratio was 256% for public schools, 266% for municipalities, and 772% for streets and roads in the same year."(p. 77)

Arnold Braun of the NYS Insurance Department (Child Care) explained that for insurance purposes, child care types are defined by location:

1.) in a private home;

2.) in a child care center (up to 25 children).

For child care programs in a private home, the owner should obtain a special endorsement to the Homeowners policy (HO policy is not intended to provide coverage for a business.) The endorsement provides liability coverage for the cared for children, but is difficult to obtain. The only carrier willing to do so, at the present, is State Farm Insurance Co., which will issue an endorsement to their HO policies covering up to six children for a cost of $190/year. (Coverage: $300,000 aggregate)

Another option for this type of program is the "Umbrella" Liability policy, but Mr. Braun warns that many carry exclusions for

businesses in the home.

If the program is in a center, the owner needs a special "Child Care Center" policy or a general liability policy. Although a center registered with the SED or the Social Services Department will not be given lower rates, they will find coverage easier to obtain than the unregistered center. In general, the more licenses a center has, the easier it is for them to obtain coverage. Brokers rarely, if ever, place unlicensed centers.

There is both Federal and State legislation to help with the liability crisis. On the Federal level, the "Risk Retention Act" allows:

1.) centers to band together as a self-insured unit;

2.) center to form a "purchasing group" in which many centers are placed as one insured with a large broker (usually a national insurance broker).

This law still leaves problems, as a group may be placed with a company from a state other than their home state which does not do business in that state.

The New York Legislature, in the Omnibus Act of July 1986, had several sections will improve access to child care liability insurance. They are concisely summarized in "Hard Questions/Straight Answers":

> "Provisions in the bill regarding flexible rating and regulation of mid-term cancellation and non-renewal will offer some protections against extreme variations in premiums and unjustified or arbitrary cancellation of policies. The legalization of group liability insurance will allow child care programs to organize groups similar to group health insurance. The experience of New York City public day care centers, insured centrally through the Agency for Child Development, suggests that group liability insurance will be less expensive than policies

purchased by individual programs. The 'Sunshine' provision of the bill will require insurance companies to provide detailed information on the costs of writing insurance for day care centers, officers and directors, and many other groups." (p. 78)

Mr. Braun pointed out that although group liability insurance has been legalized, there are many details to be worked out before it is viable, such as: 1.) Who collects the premiums? 2.) What happens to the policy if one of the group close their center prior to the expiration of the policy?

A program entitled "Child Care Market Assistance Program" was implemented by the NYS Insurance Department in 1986. This is a supplement to the "Market Assistance Program" for municipalities of 1985 and is the result of a joint effort by the Insurance Department, child care providers and insurance company representatives.

In the 3/6/86 issue of their publication "Insurance News," the NYS Insurance Department describes the plan:

> "For non-renewals or cancellations, the Department will attempt to have the carriers rescind their decision to drop the policyholder. Failing that, the Department will seek a sixty day extension for the child care provider in order to allow a realistic opportunity to replace coverage. The Department will provide the child care risk with a list of carriers, and contact persons, that have indicated a willingness to insure such risks.
>
> If the child care provider is still unsuccessful in obtaining coverage, the risk is then reviewed by the CC-MAP Executive Committee, comprised of key insurance industry representatives. The Executive Committee will suggest alternative insurance options to the policyholder and attempt to secure coverage."

This section can best be closed with a quote from "Hard Questions/Straight Answers":

> "While this legislation represents progress in addressing the insurance problem, the provisions of this recommendation are necessary to address the critical affordability issue. The Commission recommends that:
>
> Further investigation, including a survey of child care programs, is necessary to document the particular problems programs are facing, and the variables affecting the availability

and affordability of insurance.

Provision should be made to develop an insurance program through the State Insurance Fund (similar to Worker's Compensation) that would deliver liability insurance to child care and other not-for-profit programs at an affordable price.

The position of consumer advocate for insurance should be created within the Consumer Protection Board."

PUBLIC PRE-SCHOOL PROGRAMS

Education Law 2514

Education Law Sections 2514 and 2555 give the local Boards of Education the right to add nursery school to their program, though very few, if any, do.

Section 2514 (para.2) states:

> "A Board of Education may maintain nursery schools which shall be free to resident children and may fix the age for admission.

NYS Pre-K Experimental Program
Commissioner's Regulations- Part 148.1

The Early Childhood Education division of the SED administers this program which was established June 6, 1966 by the Board of Regents (Commissioners Regs.Part 148.1/ Statutory authority-ED. Law 207). Funds were (and are) allocated by the legislature and guidelines drawn up by the SED.

Set up with guidelines similar to the federally funded Head Start, this is an experiment to see if an additional, earlier year in the public school would make a difference for the better in the academic achievement of disadvantaged children.

Districts interested in the program contact the SED and submit the following: 1.) a proposed budget; 2.) documentation on how they intend to meet all the components of the program (e.g., parent involvement); 3.) the number of children to be served by the program.

The State funds 89% of the costs, the local board 11%. Funds are

allocated according to the number of children served, not by daily attendance figures. Teachers and staff are employees of the local district and are members of the local union.

90% of the children in the program must be "disadvantaged" as defined by the State Department's Index of Needs. Consequently, these programs are found in districts with a high proportion of low income families.

It was hoped that individual Boards would phase out state funds and take over the program, but most districts find it too expensive to do so. Because of the high standards, the program cost for an individual child is close to $2000/year. Here is a sampling of the state requirements:

1.) a certified teacher and a teacher assistant per class;
2.) teacher assistant must have a high school diploma and 6 college credits in child care;
3.) a full time social worker on the premises;
4.) a full time director for the program with an administrative certificate if over 100 children are enrolled;
5.) a full time nurse on the premises.

If the program were opened to all interested children, that is, if it accepted more than 10% non-disadvantaged children, the program would lose the state funding. At this time, at least in Newburgh and Poughkeepsie, children are enrolled on a "first-come, first-served" basis after financial conditions are met.

There are currently 82 of these programs operating in the state. This year, the legislature has allocated an additional $7 million statewide for the program, with $3 million set aside for new programs.

Note: The data and information for this section was provided by

Sue Updike of the SED, Darlene Davis, the director of the Poughkeepsie Pre-K Program and Jean Millman, director of the Newburgh Pre-K Program.

FUTURE LEGISLATION

The National Association for the Education of Young Children (AEYC) is not only the largest, but the most visible and highly regarded professional group dealing with the education of young children. As such, its position of public policy and recommendations in the field of early childhood education set the standards for public programs and provide a basis for legislation.

In July, 1987, they published a position statement on regulation of early childhood programs. The main points of the statement are:

1.) "...all forms of out-of home care settings must be subject to public regulation...administered by the states."

2.) "...regulatory systems designed to provide basic protection of children must apply to all programs, without limiting definitions, exemptions, or exceptions. Whenever programs are exempted, not covered, or given special treatment, the entire regulatory structure is weakened."

3.) "NAEYC believes that inspection, monitoring, and enforcement of all applicable codes should be coordinated to ensure that public personnel and fiscal resources are wisely used, and to avoid undue delays, barriers to services, and unnecessary red tape. Local regulation should be added only in coordination with licensing or registration requirements."

The following are specific recommendations made by the local affiliate, the NYS AEYC, already presented to legislators, the NYS Commission on Child Care and officials at the SED:

1.) "promote and establish developmentally appropriate standards and curriculum for children in all early childhood programs N-3 as defined by the NAEYC."

2.) "establish a special certification N-3 for teachers who work with children from birth through age 8 in early childhood programs."

3.) "legislation to raise salaries and benefits for child care staff...in public, private and non-profit early childhood education programs..."

4.) "appropriate funds for Child Care Resource and Referral Centers as authorized in 1986 legislation."

5.) "expand state early childhood funds for use in nonprofit public and private early childhood programs which meet the same State Education Department guidelines as those for the Experimental Pre-K Programs but have funds separate from those allocated to Pre-K Programs. This additional funding should include provision for an expansion of staff of the Bureau of Child Development and Parent Education of the State Education Department in order to provide effective monitoring of the new programs established."

6.) "provide cost of living increases for the existing pre-K programs."

BIBLIOGRAPHY

1.) Davis, Darlene, Director, Poughkeepsie Pre-K Experimental Program, Poughkeepsie, NY, phone interview, 7/23/87.

2.) Hogan, Thomas, State Education Department (Nursery Schools), phone conversation, 7/1/87.

3.) Millman, Jean, Director, Newburgh Pre-K Experimental Program, Newburgh, NY, phone interview, 7/87.

4.) Mid-Hudson AEYC, Mid-Hudson AEYC Newsletter, April 1987.

5.) National Association for the Education of Young Children. "Public Policy Report." Young Children, (July, 1987), p. 64-68.

6.) New York State Commission on Child Care. Hard Questions/Straight Answers: Child Care Policy for New York State. Albany, NY. 1986.

7.) New York State Education Department. Regulations of the Commissioner of Education. Albany, NY. Parts: 125 & 148.1.

8.) New York State Insurance Department. "Child Care Market Assistance Program Implemented." Insurance News. New York, NY. 3/6/86.

9.) Updike, Susan, State Education Department (Early Childhood Education), phone interview, 7/9/87.

Laws:

Omnibus Act, June 1986. (Cal. No. 1444; 9351--A)

West Publishing Co. Mc Kinney's Consolidated Laws of New York.
Education Law Sections 207, 807, 2514, 2555, 3210.
Social Services Law Section 390.

Cases:

1.) Etter v. Littwitz 1966, 49 Misc.2d 934.

2.) Jokinen v.Allen 1958, 15 Misc.2d 124.

3.) Metropolitan Assn of Private Day Schools, Inc. v. Baumgartner 1963, 41 Misc.2d 560.

4.) Packer Collegiate Institute v. U. of State of New York 1948, 298 NY 184.

5.) People v. Collins 1948, 191 Misc. 553.